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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,399	03/27/2001	Takayuki Iyama	450100-03044	2792
20999	7590	05/25/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EDWARDS, PATRICK L	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/818,399	Applicant(s) IYAMA, TAKAYUKI	
	Examiner Patrick L. Edwards	Art Unit 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The response received on 26 November 2004 has been placed in the file and was considered by the examiner. An action on the merits follows.

#### ***Response to Arguments***

2. The applicant's arguments, filed on 26 November 2004, have been fully considered. A response to these arguments is provided below.

### **35 USC 112 Second Paragraph Rejections**

#### **Summary of Argument:**

Applicant has amended claim 2 to overcome the previous 112(2) rejection. Applicant argues that the previous 112(2) rejection should be withdrawn.

#### **Examiner's Response:**

Applicant's arguments have been fully considered but are not persuasive. From the substance of the amendment, it appears that the applicant does not understand why the claim was rejected under 112(2). To clarify, the previous rejection had nothing to do with the word 'and.' Thus, the applicant's replacement of the word 'and' with the word 'which' was unnecessary. The claim was previously rejected because of the unintelligible phrase "recorded associated with." This phrase is untouched by the current amendment, and will therefore be repeated—and further explained—in the below rejection.

### **Prior Art Rejections**

#### **Summary of Argument:**

Applicant has amended independent claims 1 and 7 by adding the limitations that the first image is a still image and the second image is a moving image. Applicant argues that the MacInnis references does not teach this limitation.

#### **Examiner's Response:**

Applicant's argument is drawn to a limitation that was not previously presented. This argument will therefore be addressed in the below rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 2: The phrase "recorded associated with" is indefinite because it is not clear whether the value is recorded with the picture or element or associated with the picture element. These two recitations correspond to different limitations and the metes and bounds of the claim are unclear as a result.

*Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by MacInnis et al. (USPN 6,573,905).

With regard to claim 1, which is representative of claim 7, MacInnis discloses an apparatus for synthesizing two images. MacInnis further discloses a means for setting a blending coefficient alpha (which has a value between 0 and 1) at a specified value when a value of a specific picture element component included in picture element components A of a first image is a predetermined value (col. 110 lines 51-56). The alpha value disclosed in MacInnis is analogous to the blending coefficient recited in the claim.

MacInnis further discloses a means for performing an operation on the picture element components A, the picture element components B of a second image, and the blending coefficient alpha by using the formula  $(B * (1 - \alpha) + A * \alpha)$  (col. 110 line 20). The Top Layer and Bottom Layer disclosed in MacInnis correspond to the first and second images, respectively, as recited in the claim.

With respect to the limitation that the first image is a still image and the second image is a moving image, MacInnis discloses that the top and bottom layers (i.e. the first and second images) are "graphics layers" (col. 110 line 17). MacInnis further discloses that "graphics" includes graphics, text, or video (col. 1 lines 59-60). Thus, MacInnis discloses the first image as a still image (a graphics or text image) and the second image as a moving image (i.e. a video image).

MacInnis further discloses performing this operation on all the picture element components which have a specific picture element component representing the predetermined value (col. 110 lines 20-30). The image pixels disclosed in MacInnis are analogous to the picture elements as recited in the claim.

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With regard to claim 2, the claim will be interpreted as follows. The predetermined value of a specific picture element component in a first image, which corresponds to a specified value of a blending coefficient, is a value which falls outside of a specified range and does not affect image display.

MacInnis discloses a predetermined value of zero (col. 110 line 66 – col. 111 line 5). This predetermined value falls outside of a specified range (16-235) and does not affect the display of the image (transparent).

With regard to claim 3, MacInnis further discloses the specific picture element component is a luminance component (col. 110 line 66 – col. 111 line 5).

With regard to claim 4, MacInnis further discloses setting the blending coefficient at zero when the specific picture element component is zero, and setting it to unity when the component is other than zero (col. 110 line 66 – col. 111 line 5).

With regard to claim 5, MacInnis further discloses setting the blending coefficient at zero when the specific picture element component is zero, and setting it to a specified value that satisfies,  $0 < \alpha \leq 1$ , when the component is other than zero (col. 110 line 66 – col. 111 line 5).

With regard to claim 6, MacInnis further discloses that the data of both the first and second images are data in an ITU-R601 format having a luminance component and a color difference component as said picture elements A and B, respectively (col. 6 lines 40-49).

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick L. Edwards whose telephone number is (571) 272-7390. The examiner can normally be reached on 8:30am - 5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

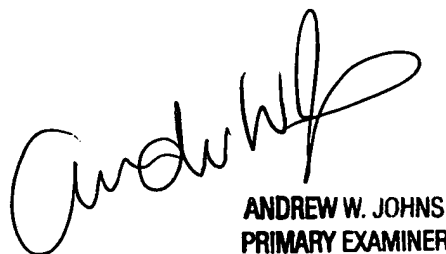
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patrick L. Edwards

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ANDREW W. JOHNS  
PRIMARY EXAMINER